

Notice of Allowability

Application No.

09/417,065

Examiner

Nga B. Nguyen

Applicant(s)

EDLUND ET AL.

Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed on January 26, 2007.
2. ☒ The allowed claim(s) is/are 19,25 and 31-47.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

1. This Office Action is the answer to the Amendment filed on January 26, 2007, which paper has been placed of record in the file.
2. Claims 19, 25 and 31-47 are pending in this application.

Allowable Subject Matter/Reasons for Allowance

3. Claims 19, 25 and 31 are allowed over the prior arts cited records.

The closest prior arts are:

1) Seymour et al. (US 6,871,190) discloses an interactive system that includes two interactive components that work together to perform bidding and purchasing in an auction style transaction. The Seymour et al. system includes both a proprietary "bidding agent" and a proprietary selling agent" that communicate so as to follow preconfigured buying and selling strategies to perform auctions over a communication network. Seymour et al., col. 5, lines 16-18. Importantly, the bidding agent 36 is always present on the bidder site 20 and the selling agent 56 is always present on the seller site 40. See Seymour et al., all independent claims and col. 3, line 60 through col. 4, line 29. Furthermore, the agents communicate with each other in their own language SGML. Seymour et al., col. 5, lines 27-31. A buyer using the Seymour et al. system utilizes a bidding agent to survey all available auction sites that have the selling agent installed, are offering for sale the item being sought by the buyer, and meet a set of user input parameters. Seymour et al., col. 7, lines 20-39. Clearly, Seymour et al. is limited to only those sites that have the selling agent installed. Once the sites are found, they are

Art Unit: 3692

ranked according to a rating system. Seymour et al., col. 7, lines 54-67. Specifically, the seller site at which the next auction is due to commence is always given the highest ranking. Seymour et al., col. 7, lines 60-61. Seymour et al. differ from the present invention in at least two major distinguishable aspects. First, Seymour et al. are not concerned with and do not teach or suggest bidding on an item at two sites simultaneously. Seymour et al. merely go through the process of creating a ranking list so that the user will have an order to which to sequentially access cites within the compiled list of cites. Seymour et al., col. 8, lines 1-3. Secondly, Seymour et al. use a single language, SGML, to communicate between its two components, one being at the seller site and the other at the bidder site. Seymour et al., col. 5, lines 27-28. The presently claimed invention, in contrast, places at least two new bids, including a first bid, in a first command language_for the product at a first of the at least two of the plurality of auction sites and a second bid in a second command language_for the product at a second of the at least two of the plurality of auction sites in order for at least two bids to be active on the at least two of the plurality of auction sites at a same time.

2) Ojha et al. (US 6,598,026) is directed to a method and apparatus for brokering transactions from a plurality of sellers and a plurality of buyers. Each of the sellers and buyers has access to a single proprietary, database_where all the items for the transaction are listed. See Ojha's Summary of the Invention, and more specifically col. 2, lines 47-62, col. 3, lines 59-60, and col. 9, lines 37-38. Accordingly, the method and system as taught by Ojha et al. is a centralized database with separate logon's and privileges. Ojha requires action by the sellers; specifically, logging on to the Ojha server

and entering their items and a host of other information. Ojha, col. 2, lines 50-52 and col. 8, lines 51-54. In contrast, the present invention works with existing third-party auction sites such as EBay and Yahoo where each auction site not only has a separate database for listing items and services in the auction at the given site, but also, each auction site has a distinct user interface and command language. Further, Ojha et al. requires user interaction to complete the negotiation process of buying and selling. See Ojha at col. 12, lines 29-44. The present invention recites automatically completing the auction process by and "performing the following without further user interaction."

Therefore, it is clear from the description of Seymour's and Ojha's inventions that the prior arts do not considered the possibility of: determining if a current bid from both of the auction sites is below a maximum limit permitted, and in response to the current bid being below, performing the following without further user interaction: placing at least two new bids including a first bid in a first command language for the product at a first of the at least two of the plurality of auction sites and a second bid in a second command language for the product at a second of the at least two of the plurality of auction sites in order for at least two bids to be active on the at least two of the plurality of auction sites at a same time, as included in claims 19, 25 and 31.

4. Claims (32-39) and (40-47), are allowed because they are dependent claims of the allowable independent claims 19 and 25 above, in that order.

Conclusion

5. Claims 19, 25 and 31-47 are allowed.

Art Unit: 3692

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen whose telephone number is (571) 272-6796. The examiner can normally be reached on Monday-Thursday from 9:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard E. Chilcot can be reached on (571) 272-6777.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-3600.

7. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
C/o Technology Center 3600
Washington, DC 20231

Or faxed to:

(571) 273-8300 (for formal communication intended for entry),

or

(571) 273-0325 (for informal or draft communication, please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Knox Building, 501 Dulany Street, Alexandria, VA, First Floor (Receptionist).

Application/Control Number: 09/417,065

Page 6

Art Unit: 3692

A handwritten signature in black ink, appearing to read 'Nga Nguyen', written in a cursive style.

NGA NGUYEN
PRIMARY EXAMINER

March 27, 2007